

**Federal Personnel Manual System****FPM Letter** 351-25Published in advance  
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**RETAIN UNTIL SUPERSEDED****SUBJECT:** Guide to New FPM Supplement 351-1

Washington, D. C. 20415

August 31, 1990

**Heads of Departments and Independent Establishments:**

1. This letter is a guide to the new FPM Supplement 351-1, which contains updated reduction in force instructions.

2. The new FPM Supplement 351-1, dated September 18, 1989, superseded FPM Letter 351-22 on Reduction In Force. OPM also abolished basic FPM Chapter 351, which has been obsolete since OPM published final reduction in force regulations in January 1986. The Government Printing Office can provide specific information on ordering individual or additional copies of FPM Supplement 351-1.

3. Attachment 1 to this letter summarizes changes in FPM Supplement 351-1 that clarify or update the reduction in force instructions in superseded FPM Letter 351-22.

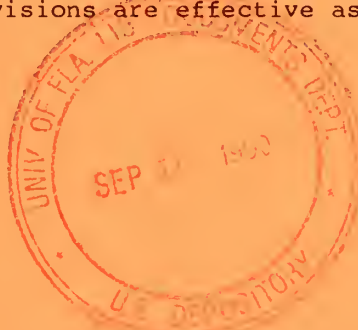
4. Attachment 2 to this letter summarizes changes in FPM Supplement 351-1 that change OPM's policy from the reduction in force instructions in superseded FPM Letter 351-22.

5. Attachment 3 to this letter revises two paragraphs of FPM Supplement 351-1:

(1) Section S3-9e(1), which provides that agencies only use the ending date of the performance rating period rather than the final approval date of the rating to determine the 3-year period for crediting ratings toward retention standing, is revised to provide that each agency should use the date set in its agency performance management plan to determine the 3-year period.

(2) Section S5-9b, which provides that agencies may waive qualification requirements in offering vacant positions to employees in lieu of RIF separation or other RIF actions, is updated as a result of the recent issuance of OPM's General Policies and Instructions for the Qualifications Standards Handbook.

These changes will be formally included in FPM Supplement 351-1 in the near future. However, the revised provisions are effective as of the date of this FPM letter.



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**Code:** 351, Reduction In Force

**Distribution:** Basic FPM

6. Attachment 4 to this letter contains an index to material in FPM Supplement 351-1, listing material, in descending order, by subchapter, section, and paragraph.

  
Constance Berry Newman  
Director

SUMMARY OF CHANGES IN FPM SUPPLEMENT 351-1 (CLARIFICATION)

1. The following changes in FPM Supplement 351-1 clarify or update OPM's reduction in force instructions previously forwarded to agencies in FPM Letter 351-22:

(a) Section S1-2a: The agency has the right to make all decisions concerning what positions are abolished, whether a reduction in force is necessary, and when it will take place.

(b) Section S1-4d: Agencies must be certain to register employees faced with separation because of reduction in force, or relocation, in OPM's employee placement programs.

(c) Section S1-3b: Agencies may, under 5 U.S.C. 4103(b), retrain employees for placement in another agency, subject to OPM approval.

(d) Section S1-4e: Agencies that are separating 50 or more employees in a commuting area by reduction in force must notify the Department of Labor.

(e) Section S3-9d: Assumed ratings of "Fully Successful" are used for reduction in force purposes in the absence of actual annual ratings of record, referencing subsection S3-9e(3) for additional information.

(f) Section S3-9e(3): An agency may not issue a retroactive annual performance rating of record for reduction in force purposes if the employee lacks three actual annual performance ratings of record during the 3-year period. Instead, additional reduction in force service credit is based on an assumed rating of "Fully Successful" for the missing ratings.

(g) Section S5-2d(3): At its discretion, an agency may offer an employee a vacant position in lieu of separation or other reduction in force action.

(h) Section S5-3a(4): In order for a job to be considered an "available position," the released employee must qualify for the position unless the agency, at its discretion, chooses to waive qualifications in offering the employee a reduction in force offer of a vacant position.

(i) Section S5-3f: Agencies may make an alternative offer of a vacant position to an employee with a right of assignment. The alternative offer may be a second offer of RIF assignment to a vacant position, or an offer of a vacant position in lieu of separation or other reduction in force action.

(j) Section S5-6b(1): An agency may satisfy an employee's reduction in force assignment right by assigning the employee to a vacant position in the same competitive area (1) having a representative rate equal to a position to which the employee would be entitled on the basis of bump or or retreat rights, or (2) as a RIF offer of assignment in lieu of separation.

(k) Section S5-6c(1): Agencies may use vacant positions to place employees in lieu of separation or other reduction in force actions. These voluntary offers are not reduction in force placements and must be made in accordance with FPM Chapter 335 if the offered position has more promotion potential than the employee's present position.

(l) Section S5-8e(1): In determining whether a released employee has reduction in force assignment rights to a formally designated trainee position in a different line of work, the agency must consider whether undue interruption would result. Undue interruption would normally result if an employee was assigned to a formally designated trainee position more than 90 days after the developmental program started.

(m) Section S5-10a(3): Agencies may, at their discretion, extend reduction in force assignment rights to excepted service employees, provided that the assignment rights are only to other excepted positions filled under the same appointing authority as that held by the released employee.

(n) Section S9-1: OPM's FPM instructions on the reemployment priority list are now consolidated in FPM chapter 330.

(o) Section S10-5d: Agencies may, at their discretion, include temporary employees serving in temporary positions as volunteers for transfer with a function to a different competitive area. However, employees may be transferred as volunteers only if no competing employee would be denied his or her transfer of function rights.

SUMMARY OF CHANGES IN FPM SUPPLEMENT 351-1 (NEW POLICIES)

1. The following changes in FPM Supplement 351-1 change OPM's policies from the reduction in force instructions in superseded FPM Letter 351-22:

(a) Section S5-9a: An agency may waive OPM's standards and qualifications for a position, except for a minimum education requirement, in offering an employee reduction in force assignment only to a vacant position.

(b) Section S6-3a: A furloughed employee who accepts a reduction in force offer of assignment becomes the incumbent of the offered position unless the employee accepts an offer of recall to the position from which he or she was furloughed.

(c) Section 6-5a: If an agency decides that a furloughed employee cannot be recalled within 1 year, the employee must be separated unless the employee accepted a reduction in force offer of assignment to another position.

(d) Appendix B: OPM's instructions on the voluntary early retirement program are completely revised. Under the new guidelines-

- (i) Agencies must target each early out request to a specific organizational component and geographic location.
- (ii) OPM expects at least 1 actual reduction of a permanent encumbered position for each projected separation that served as the basis for the voluntary early retirement authority.
- (iii) OPM will not approve a voluntary early retirement authority more than 90 days in advance of the planned effective date of the reduction in force or transfer of function.
- (iv) Agencies must exclude employees leaving by attrition from the number of projected separations serving as a basis for a voluntary early retirement authority.
- (v) Agencies must separate all temporary employees before any permanent employees in the same series, and in the same competitive area, can retire under an early out authority.
- (vi) Agencies must provide additional information, including attrition, in final reports to OPM on their use of voluntary early retirement.





REVISIONS TO FPM SUPPLEMENT 351-1 THAT ARE EFFECTIVE AS OF THE DATE OF THIS FPM LETTER

1. OPM is revising FPM Supplement 351-1, to make the following changes:

(a) Section S3-9e(1) now reads as follows:

"e. Basis for credit.

(1) Additional service credit is based on the last three annual performance ratings of record which were received by the employee during the 3-year period prior to the date of issuance of specific RIF notices. To be creditable for RIF purposes, ratings must have been issued to the employee, with all appropriate reviews and signatures, and must also be on record. In the RIF context, this means that the rating is available for use by the office responsible for establishing RIF retention registers. Agencies must therefore ensure that ratings are issued in accordance with established schedules and forwarded to the appropriate office on a timely basis. Since rating procedures may vary under individual agency performance management systems, each agency must set its own internal policy for processing ratings and putting them on record for RIF purposes. This policy must be included in the agency performance management plan or other appropriate issuance, and must be applied on a uniform and consistent basis in the competitive area where the RIF occurs."

(b) Section S5-9b now reads as follows:

"b. Waiver or modification of qualifications in offering positions in lieu of RIF. As part of pre-RIF placement efforts or in offering a vacant position under subsection S5-6c in lieu of RIF, an agency may also, without use of RIF procedures, reassign an employee or permit a voluntary change to lower grade for which the employee does not meet the requirements of the applicable qualification standard when the agency determines the employee has the capacity, adaptability, and special skills needed to perform the duties of the position. The agency may offer the position either by waiving or modifying the applicable qualification standard. In either instance, the employee must meet the minimum education requirements except as provided in OPM's General Policies and Instructions for the Qualification Standards Handbook. (See section 9(c) on modifying experience requirements for certain inservice placement actions, and section 7(g) for interpreting minimum education requirements.) Placement actions taken under this authority to positions with more promotion potential than the employee's present position must be made in accordance with the provisions of FPM Chapter 335. (See section S1-3 for additional information on other alternative actions to RIF.)"

(New material in S5-9b is underlined for reference.)





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